

**Section 265.196 Response to leaks or spills and disposition of leaking or unfit for use tank systems**

A tank system or secondary containment system from which there has been a leak or spill or which is unfit for use must be removed from service immediately and the owner or operator must satisfy the following requirements:

- (a) **Containment of release** prevent flow or addition of wastes. The owner/operator must immediately prevent flow or addition of wastes into the tank system or secondary containment system and inspect the system to determine the cause of the release.
- (b) **Removal of waste from tank system or secondary containment system**
  - (1) If the release was from the tank system, the owner/operator must within 24 hours after detection of the leak or if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of hazardous waste to the environment and to allow inspection and repair of the tank system to be performed.
  - (2) If the material released was to a secondary containment system, all released materials must be removed within 24 hours or in as timely a manner as is possible to prevent harm to human health and the environment.
- (c) **Containment of visible releases to the environment** The owner/operator must immediately conduct a visual inspection of the release and based upon that inspection:
  - (1) Prevent further migration of the leak or spill to soils or surface water and
  - (2) Remove and properly dispose of any visible contamination of the soil or surface water.
- (d) **Notifications reports**
  - (1) Any release to the environment except as provided in paragraph (d)(2) of this section, must be reported to the Department within 24 hours of its detection. If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement.
  - (2) A leak or spill of hazardous waste that is:
    - (i) Less than or equal to a quantity of one (1) pound and
    - (ii) Immediately contained and cleaned up is exempted from the requirements of this paragraph.
  - (3) Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the Department:
    - (i) Likely route of migration of the release
    - (ii) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate)

- (iii) Results of any monitoring or sampling conducted in connection with the release (if available) If sampling or monitoring data relating to the release are not available within 30 days these data must be submitted to the Department as soon as they become available
- (iv) Proximity to downgradient drinking water surface water and population areas and
- (v) Description of response actions taken or planned.
- (e) Provision of secondary containment, repair or closure
- (1) Unless the owner/operator satisfies the requirements of paragraphs (c)(2) through (4) of this section, the tank system must be closed in accordance with Section 265 197
- (2) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary are made
- (3) If the cause of the release was a leak from the primary tank system into the secondary containment system the system must be repaired prior to returning the tank system to service
- (4) If the source of the release was a leak to the environment from a component of a tank system without secondary containment the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of Section 265 193 before it can be returned to service unless the source of the leak is an aboveground portion of a tank system that can be inspected visually If the source is an above ground component that can be inspected visually the component must be repaired and may be returned to service without secondary containment as long as the requirements of paragraph (f) of this section are satisfied If a component is replaced to comply with the requirements of this subparagraph, that component must satisfy the requirements for new tank systems or components in Sections 265 192 and 265 193 Additionally if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank) the entire component must be provided with secondary containment in accordance with Section 265 193 prior to being returned to use